

ADVICE LETTER SUMMARIES

August 2008

Campaign	
Mike Lowrie Marin County Administrator's Office Dated: August 6, 2008 File Number I-08-119	<p>The letter reviews a draft of a campaign finance ordinance which may be considered by the Marin County Board of Supervisors for any areas where it conflicts with the Act.</p>
Georgian M. Vonheeder-Leopold Dublin Fine Arts Foundation Dated: August 22, 2008 File Number A-08-126	<p>The Act does not restrict non-profit foundation from listing the name of a candidate on a plaque that will be placed by a piece of art that was purchased by the foundation with campaign funds donated by a candidate closing out her campaign account due to her retirement from her elected governmental position.</p>
Emery Ross Board of Directors of Lake Don Pedro Community Services District (candidate) Dated: August 26, 2008 File Number I-08-138	<p>Nothing in the Act bars a candidate from continuing to write a regular newspaper column. However, the Act may treat costs of producing and disseminating the column as campaign contributions from the newspaper or its owners if the column expressly advocates the author's election, or refers to his candidacy, the campaign, the author's or his opponent's qualifications for office, or if it solicits contributions to the author's campaign or recruits or coordinates activities of campaign volunteers.</p>
Cathleen Wentz Ontario Police Officers' Association PAC Dated: August 20, 2008 File Number A-08-139	<p>A general purpose committee with a history of supporting only city candidates, which made contributions to county candidates representing 10% of its contributions in 2006, 9% in 2007 and 52% year-to-date in 2008, has conducted more than de minimis activity outside the city and is no longer a committee which is "active only" in a city. The committee has become a county general purpose committee.</p>

Conflicts of Interest	
Barbara Coler Department of Toxic Substances Control Dated: August 29, 2008 File Number I-08-111	<p>An employee of the Department of Toxic Substances Control ("DTSA") is advised that she is not barred by the Political Reform Act from taking a second job with a private employer while remaining employed by DTSA, that she should be mindful of the conflict-of interest provisions of the Act in the event that she is faced with making, participating in making or influencing a governmental decision in which he has an economic interest and that she should check with DTSA counsel regarding incompatible activity policies and other laws.</p>

Matt Hall City of Carlsbad Dated: August 6, 2008 File Number I-08-120	<p>Despite having an economic interest in a business and real property in the downtown area of the city, a councilmember may participate in the city council's decisions with respect to contributing funds to the Downtown Improvement Partnership (a nonprofit entity formed to enhance the vitality of business in the downtown area of the city) so long as the foreseeable financial effect from the decision on his economic interests will not be material.</p>
Andy Cohen Mayor, Menlo Park Dated: August 5, 2008 File Number I-08-134	<p>City Mayor who owns property in close proximity to a proposed High Speed Rail right of way may not participate in a decision to call a special meeting to consider joining a lawsuit challenging the Environmental Impact Report concerning the High Speed Rail Project. Moreover, he would be disqualified from participating in the litigation decisions as well as decisions on the actual project.</p>
Jay Obernolte Big Bear Airport District Dated: August 27, 2008 File Number A-08-136	<p>The conflict-of-interest provisions of the Act do not bar the president and board member of the Big Bear Airport District from participating in decisions to (1) construct twenty additional airport rental hangars, including one hangar large enough to accommodate an airplane that a company he controls anticipates purchasing and (2) convert the airport's old maintenance hangar which is large enough to accommodate this new airplane to a rental hangar where his company is currently renting a hanger that is too small for the new airplane and he has placed his company's name on a waiting list for a new hangar. Whether or not any larger hangars are made available for rental, it is not reasonably foreseeable that these governmental decisions will have a material financial effect on his economic interests.</p>

Contributions	
Liane Randolph Dated: A-08-118 File Number A-08-118	<p>When a private company pays for a press release to promote a series of tax-related events to assist lower-income tax-filers and, in cooperation with an elected official, includes statements in the press release by the elected official, the official must report cost of producing and sending the press release as a "behested payment" if the cost is \$5,000 or more. Inviting the elected official to attend one or more of the events does not, in itself, make the cost of the event a reportable "behested payment" for the official.</p>

Gifts	
Lt. Governor John Garamendi Office of Lt. Governor John Garamendi Dated: August 28, 2008 File Number A-08-127	<p>This letter discusses whether certain donations to the Commission for Economic Development, an agency within the Lieutenant Governor's office for a trade and economic development mission to China, fall within the exception contained in Regulation 18944.2 for gifts made to an official's agency.</p>
James R. Smith Squaw Valley Public Services District Dated: August 20, 2008 File Number I-08-132	<p>Payments the district receives from an applicant to pay for the cost of agency consultants to process a CEQA proceeding for the applicant's hotel expansion are not considered gifts to the consultants or to the district under Regulation 18944.2 and need not be reported on the Form 801.</p>
Holly LaRue City Council, Thousand Oaks (candidate) Dated: August 29, 2008 File Number A-08-141	<p>Regarding whether a candidate cooking meals for her ex-husband (with whom she has no spousal-support agreement) and his paying her on an occasional basis is reportable as income or a gift, staff advised that, as to the amount of the payments the candidate receives that are for the fair market value of the meals, the amount is not reportable as a gift. The remainder of the payments are gifts and subject to the Act's gift reporting and limits.</p>

Lobbying	
Linda Civitello-Joy and Andy Katz Breathe California, Golden Gate Public Health Partnership Dated: August 29, 2008 File Number A-08-129	<p>A CEO of a non-profit organization sought advice regarding how her non-profit and its employee should be registered under the lobbying provisions of the Act. The non-profit and four other related non-profits (who share a similar mission) contracted with a single lobbyist (the employee of one of the non-profits) to provide governmental relations services. Requestor was advised that each non-profit must register as a lobbyist employer and the employee must register as a lobbying firm because he provides lobbying services to the other non-profits, or entities other than his employer</p>
Miscellaneous	
Tony Miller Office of the Secretary of State Dated: August 8, 2008 File Number A-08-121	<p>Secretary of State's office requested information regarding whether Section 84602(d) required them to redact certain information when posting on-line scanned paper copies of Forms 410. Staff advised that Section 84602(d) applies only to documents required to be filed electronically under the Act. Since the Secretary of State is posting only copies of paper documents, filed with her office, Section 84602(d) is not applicable.</p>

Revolving Door	
Carlos Ramos Health and Human Services, Office of Systems Integration Dated: August 6, 2008 File Number I-08-122	<p>After an employee of the State Health and Human Services Agency leaves his employment, the one-year post-governmental employment restrictions prohibit him from making appearances or communications before his former agency while for compensation representing a new employer or client if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract or the sale or purchase of goods or property. He is also barred for compensation from representing his new employer or clients in proceedings in which he participated while employed by the Health and Human Services Agency. While still employed by the state, he may not make, participate in making, or use his official position to influence any governmental decision directly related to any person with whom he is negotiating, or has any arrangement concerning, prospective employment.</p>

August 2008
Juanita G. Lira